

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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ERNIE HINES D/B/A COLORFUL MUSIC, :  
: Plaintiff, : 19-cv-04587 (JPO)  
: :  
: v. :  
: :  
ROC-A-FELLA RECORDS INC., DEF JAM :  
RECORDINGS INC., UNIVERSAL MUSIC :  
GROUP, SONY MUSIC HOLDINGS INC., :  
SHAWN CARTER p/k/a JAY-Z and TIMOTHY :  
MOSLEY p/k/a TIMBALAND, :  
: Defendants.  
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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT SONY  
MUSIC ENTERTAINMENT'S MOTION FOR ENTRY OF JUDGMENT**

JONATHAN D. DAVIS, P.C.  
10 Rockefeller Plaza  
Suite 1015  
New York, New York 10020  
(212) 687-5464

*Attorneys for Defendant Sony Music Entertainment*

This memorandum of law is respectfully submitted on behalf of Sony Music Entertainment (“SME”) in support of its motion for an order entering final judgment dismissing this action with prejudice.<sup>1</sup> SME hereby adopts, joins, and incorporates by reference the motion made by the other record label defendants, Roc-A-Fella Records, LLC and UMG Recordings, Inc. [Dkt. No. 108.]

### **ARGUMENT**

On April 16, 2020, the Court granted SME’s motion to dismiss Plaintiff’s Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and granted Plaintiff’s motion for leave to file an amended pleading *provided that* Plaintiff pay the attorney’s fees and costs SME (and other Defendants) incurred in making the motion to dismiss. [Dkt. No. 94.]

The Court set a deadline of sixty days from the date of the April 16, 2020 Opinion & Order for Plaintiff to file any amended pleading and directed that “[f]ailure to comply with this deadline will result in dismissal with prejudice.” [Dkt. No. 94.] Although Plaintiff initially filed a motion for “reconsideration and clarification” of the Court’s Opinion & Order, that motion was voluntarily withdrawn. [Dkt. No. 104.]

On June 15, 2020, Plaintiff allowed the deadline to pass without filing an amended pleading against SME.

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<sup>1</sup> SME was incorrectly sued as Sony Music Holdings Inc., and substituted as a defendant by stipulation, dated September 4, 2019. [Dkt. No. 39.]

**CONCLUSION**

Accordingly, pursuant to Fed. R. Civ. P. 58(d), SME respectfully requests that the Court direct entry of final judgment dismissing this action against it with prejudice.

Dated: June 29, 2020  
New York, New York

JONATHAN D. DAVIS, P.C.

By: /s/ Jonathan D. Davis  
Jonathan D. Davis  
Derek A. Williams  
Milton E. Otto  
10 Rockefeller Plaza  
Suite 1015  
New York, New York 10020  
(212) 687-5464

*Attorneys for Defendant Sony Music  
Entertainment*